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TAGS: [ETRD](#) [KIPR](#) [TU](#)
SUBJECT: Post Comments on Special 301

Ref: Ankara 6068

[1](#)1. (U) This cable contains action requests in para 4.

[1](#)2. (U) Embassy understands that PhRMA requested an Out-of-Cycle (OCR) Special 301 review of Turkey over the GOT's failure to implement data exclusivity, the proposed exclusion of pharmaceuticals from patent protection, and other concerns.

[1](#)3. (SBU) Post agrees that there has been no improvement in intellectual property protection for research-based drug companies, and that the USG needs to find a way to ratchet up the pressure on the GOT. Prior to initiating an OCR, post believes that it would be more effective for Washington agencies to engage with the GOT on this issue:

-- The Embassy has undertaken sustained lobbying on these issues at senior levels, but we believe that Washington agencies have still not laid the groundwork for a change in Turkey's position on the Special 301 Watch List (see action request in para 4);

-- We have emphasized for the GOT that we see the upcoming Economic Partnership Commission (EPC) as an opportunity for the Turks to demonstrate progress on investment climate issues, including IPR. The EPC, scheduled for December 2 and 3 in Washington, could motivate the Turks to address pharmaceutical industry problems;

-- An OCR would presumably not accelerate the Special 301 process for Turkey by more than a few months, as the regular cycle decision is due at the end of April;

-- We should not do an OCR in the absence of a consensus for elevating Turkey in the Special 301 Watch Lists. If an OCR were completed without a change in the country's status, it would send a mixed signal to the GOT on the priority we accord to IPR protection.

[1](#)4. (SBU) Recommendations and Action Requests: Embassy urges Washington agencies to engage the GOT on pharmaceuticals issues. This could include dispatching a senior IPR delegation from USTR and/or other USG agencies to Ankara, and high-level correspondence, such as a joint letter from USTR Zoellick and Commerce Secretary Evans to State Minister Tuzmen. Additionally,

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the priority of EU accession in Turkey's foreign policy makes it more likely that the Turks will take our IPR message seriously if U.S. and EU diplomats make a joint approach. Embassy requested instructions in September (reftel) to do such a demarche. We encourage Washington to provide these as soon as possible.
Edelman